

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Destiny Hoag,

Plaintiff,

v.

City of Henderson; Michelle Leavitt; Jeremy  
 Cooley; Henderson Police Department; and  
 Officer P. Duffy, et al.,

Defendants.

Case No. 2:23-cv-00681-JAD-DJA

**Order**

This matter is before the Court on the Court’s review of the docket. Plaintiff has filed a certificate of service, purporting to have served Defendants the City of Henderson, Jeremy Cooley, Michelle Leavitt, the Henderson Police Department, and Officer P. Duffy via certified mail. (ECF No. 4). Plaintiff also filed a certificate of service purporting to have served the Attorney General via certified mail. (ECF No. 5).

Federal Rule of Civil Procedure 4(e)(2) and Nevada Rule of Civil Procedure 4.2(a)<sup>1</sup> — governing service on an individual—do not provide for service of a summons by mail. Neither do Federal Rule of Civil Procedure 4(j)(2)(A) and Nevada Rule of Civil Procedure 4.2(d)<sup>2</sup>, which govern service on state or local governments, subdivisions, public entities, and their officers and employees. Additionally, the deadline for service under Federal Rule of Civil Procedure 4(m) has passed. It also appears from the docket that Plaintiff has not provided any summonses to the clerk for signature and seal under Federal Rule of Civil Procedure 4(b). So, it is unclear whether

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<sup>1</sup> Federal Rule of Civil Procedure 4(e)(1) allows for service by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made...”

<sup>2</sup> Federal Rule of Civil Procedure 4(j)(2)(B) allows for service of the summons and complaint by “serving a copy of each in the manner prescribe by that state’s law for serving a summons or like process on such a defendant.”

1 she served any summonses on the Defendants as required under Federal Rule of Civil Procedure  
2 4(c).

3 Because it appears that Plaintiff was confused about proper methods of service, the Court  
4 will extend the deadline for service for thirty days. Plaintiff must present properly completed  
5 summonses<sup>3</sup> to the Clerk of Court for signature and seal as outlined in Federal Rule of Civil  
6 Procedure 4(b). Plaintiff must then file a proof of service showing that she served a summons  
7 and complaint on each Defendant on or before November 20, 2023. If Plaintiff needs more time,  
8 she may file a motion to extend the service deadline. She must file this motion on or before  
9 November 20, 2023.

10  
11 **IT IS THEREFORE ORDERED** that Plaintiff must present properly completed  
12 summonses to the Clerk of Court for signature and seal as outlined in Federal Rule of Civil  
13 Procedure 4(b). Plaintiff must then file proofs of service showing that she served a summons and  
14 complaint on each Defendant on or before **November 20, 2023**. If Plaintiff needs more time, she  
15 must file a motion to extend time in compliance with Federal Rule of Civil Procedure 4(m) on or  
16 before **November 20, 2023**. **Failure to comply with this order may result in the undersigned**  
17 **magistrate judge issuing a recommendation of dismissal to the assigned district judge.**

18  
19 DATED: October 19, 2023



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21 DANIEL J. ALBREGTS  
22 UNITED STATES MAGISTRATE JUDGE  
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28 <sup>3</sup> This Court's summons form can be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 440 – Summons in a Civil Action.